



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GARRICK MEIKLE,

Plaintiff,

-against-

TRANSACTION NETWORK SERVICES,
INC.,

Defendant.

20-CV-00953 (JGK) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

A settlement conference was scheduled in this matter before Magistrate Judge Barbara Moses on September 6, 2022, at 2:15 p.m., in Courtroom 20A, 500 Pearl Street, New York, NY 10007. The parties' confidential settlement letters were due by August 30, 2022. *See* Order Scheduling Settlement Conference (Scheduling Order) (Dkt. 76) ¶ 3. Before submitting those letters – but after receipt of the Scheduling Order – the parties were required to "conduct at least one good-faith settlement discussion, in person or by telephone," and each party was required to "convey to each opposing party at least one good-faith settlement demand or offer." *Id.* ¶ 2. The Scheduling Order specified: "Past settlement negotiations may not be relied upon to satisfy this requirement." *Id.*

On August 30, 2022, defendant submitted a confidential settlement letter, but plaintiff did not. Moreover, defendant's letter informed the Court that while defendant had made a new settlement offer to plaintiff, as required, plaintiff had yet to respond, and no actual discussion had occurred. Consequently, on August 31, 2022, I ordered as follows:

By 5:00 p.m. on September 1, 2022, the parties shall meet and confer to exchange good-faith settlement offers, and plaintiff shall submit a confidential settlement letter detailing that negotiation in accordance with ¶ 3 of the Scheduling Order.

Order dated August 31, 2022 (August 31 Order) (Dkt. 77) at 1.

On September 1, 2022, at 4:30 p.m., plaintiff submitted his confidential settlement letter. In the letter, however, plaintiff confirms that he "has not countered" defendant's settlement offer. Plaintiff has thus failed to comply with two orders of this Court: the Scheduling Order and the August 31 Order. In his September 1 letter, he offers no excuse or explanation for that failure.

The Court notes that the parties induced the District Judge to stay their pretrial filing deadline (previously set for June 17, 2022) and delay trial (previously set to commence as early as July 10, 2022) by representing that were "actively engaged in settlement negotiations," had made "progress," and had a "serious focus on resolution." (Dkt. 74.)

It appears that the District Judge was misinformed.

The settlement conference previously scheduled for September 6, 2022, is CANCELLED. The parties' pretrial filings are due 21 days from today. The parties shall promptly seek a new trial date from the District Judge.

Dated: New York, New York
September 2, 2022

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge